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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,811	08/10/2005	Andreas Fink	10191/3705	1654
26646 7590 08/30/2007 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			EXAMINER MITCHELL, KATHERINE W	
			ART UNIT 3677	PAPER NUMBER
			MAIL DATE 08/30/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/524,811

Applicant(s)

FINK ET AL.

Examiner

Katherine W. Mitchell

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/18/2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 7/10/2006; 2/18/2005.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 2/18/2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 9-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 9, the phrase "keyhole-like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "--like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d). What exactly is keyhole-like? Claims 10-16 are rejected as depending from rejected claim.

Re claim 14: The wording is confusing, possibly due to translation. Examiner is ignoring "for the self-locking", as it makes no sense with the claim.

### ***Claim Rejections - 35 USC § 102***

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4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 9-14 rejected under 35 U.S.C. 102(b) as being anticipated by Jacob et al  
USP 6309132

Jakob teaches a fastening comprising

A first component with a threaded bushing (housing 10 with threaded inserts  
16,18, Column 2 lines 52-65)

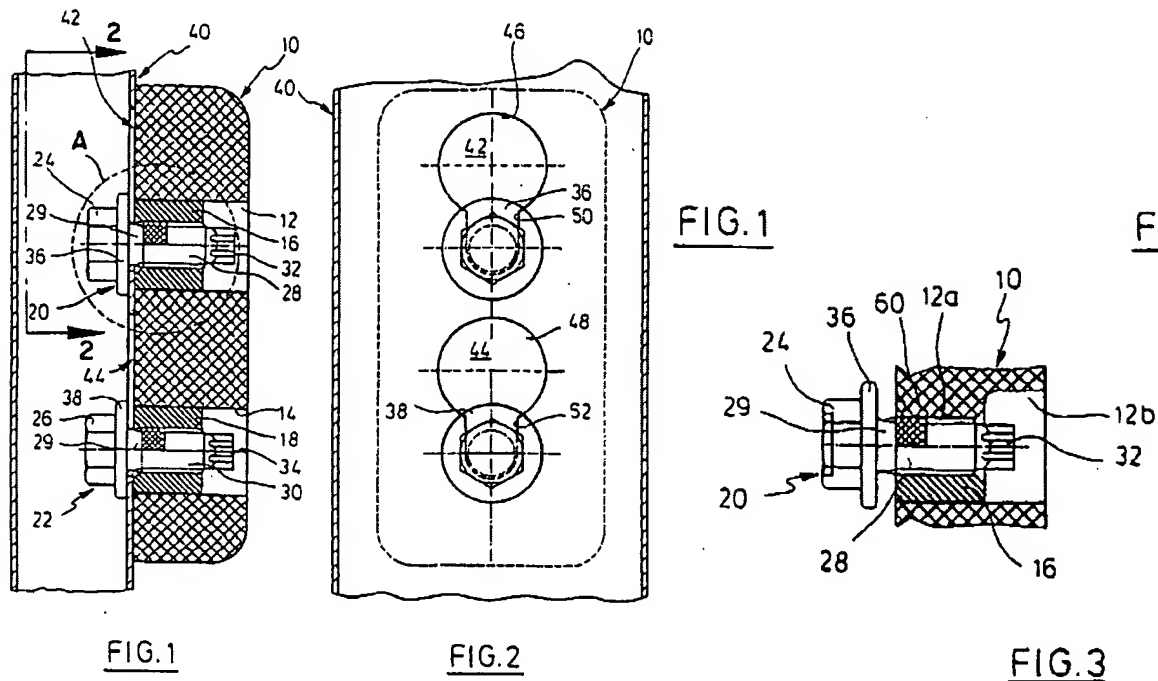
a 2<sup>nd</sup> component (column 40) with a keyhole-like cut out with a smaller 50,52 and  
larger opening 46,48 (42,44, see Column 2 line 64-Column 3 line 6)

a bolt 20 configured to be screwed into bushing such that it is guided with the  
head (24,36 is considered the head) through the larger opening (Fig 2) and head  
engages behind the smaller cut out, said bolt having tool engagement surfaces 32 at an  
end of the shank 28, and the head is round and has a smooth surface (at least 36 is  
round and has a smooth surface).

Re claim 10: engagement surfaces are TORX® which is an external teething.

Re claim 11: Left hand thread is taught in Column 3 line 24-25.

Re claim 12-13: Self-locking bolt is taught in Column 3 lines 17-23 as a coated  
thread 60.



Re claim 14: It has been held that all threads are to some extent thread-forming for a corresponding bore, and thus would be for a corresponding bushing.

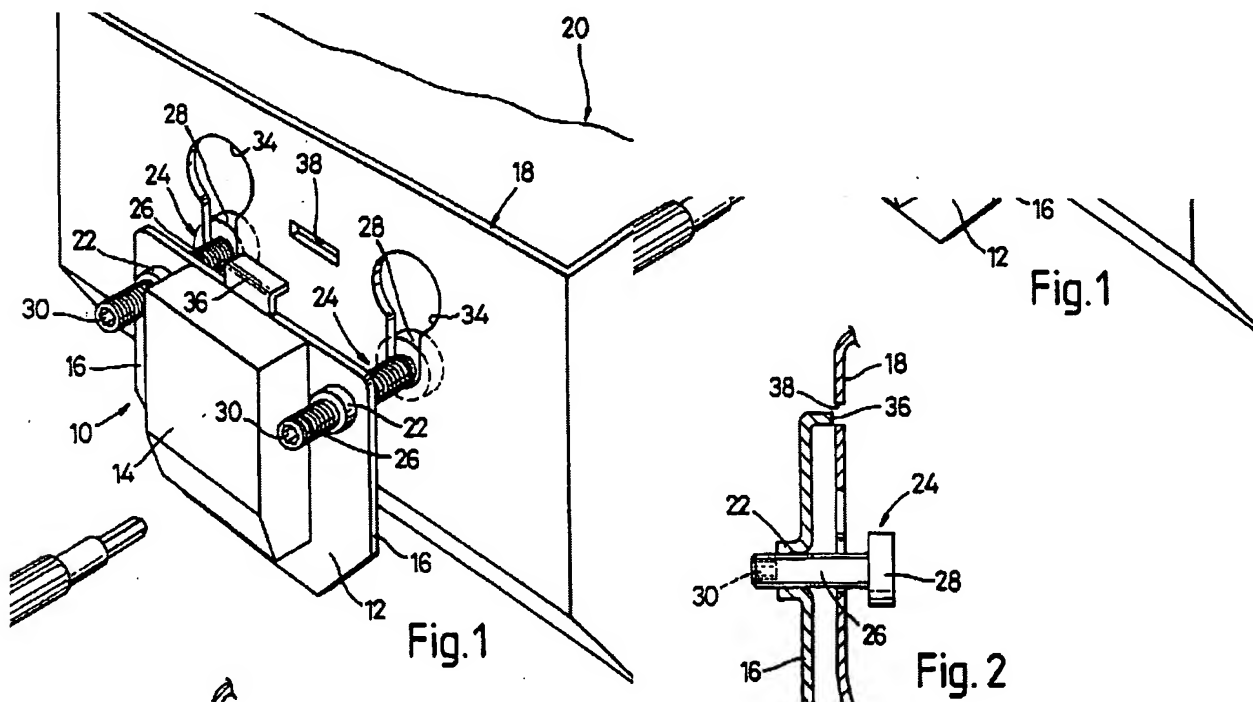
### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jakob et al USP 6309132 in view of EP 0747604. As noted above, examiner was unable to obtain a copy of the document, but she did obtain a copy of the figures, and thus is applying the reference as best she can, rather than give no opinion until the entire document is submitted.

EP 604 teaches a similar fastener to that of Jakob, but includes mating parts 36,38 which serve to prevent both rotation and translation of the 1<sup>st</sup> component when assembled. Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Jakob and EP 604 before him at the time the invention was made, to modify Jakob as taught by EP604 to include translational and rotational guards to prevent translation of the 1<sup>st</sup> component and rotation of the 1st component in order to obtain a secure and stable assembly. One would have been motivated to make such a combination because if the components were allowed translational and/or rotational movement, the heads could move to the larger hole of the keyhole and the assembly would come loose.



## Conclusion

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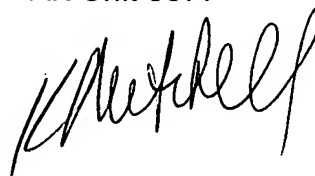
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine W. Mitchell whose telephone number is 571-272-7069. The examiner can normally be reached on Mon - Thurs 10 AM - 8 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Katherine W Mitchell  
Primary Examiner  
Art Unit 3677



8/27/2007



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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/524,811	Andreas Fink	10191/3705
INTERNATIONAL APPLICATION NO.		
PCT/DE03/00564		
I.A. FILING DATE	PRIORITY DATE	
02/24/2003	08/22/2002	

26646  
KENYON & KENYON  
ONE BROADWAY  
NEW YORK, NY 10004

CONFIRMATION NO. 1654  
371 ACCEPTANCE LETTER

\*OC000000017101139\*

Date Mailed: 09/28/2005

## NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

<u>08/10/2005</u>	<u>08/10/2005</u>
DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) REQUIREMENTS	DATE OF COMPLETION OF ALL 35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Copy of the International Application filed on 02/18/2005
- English Translation of the IA filed on 02/18/2005
- Copy of the International Search Report filed on 02/18/2005
- Copy of IPE Report filed on 02/18/2005
- Preliminary Amendments filed on 02/18/2005
- Information Disclosure Statements filed on 02/18/2005
- Oath or Declaration filed on 08/10/2005
- Request for Immediate Examination filed on 02/18/2005
- U.S. Basic National Fees filed on 02/18/2005
- Substitute Specification filed on 02/18/2005
- Priority Documents filed on 02/18/2005